

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION**

ANGELA and JAMES FISCHER,
Individually and as the Guardians
of MOLLIANNE FISCHER, an
Adult Ward,

Plaintiffs,

Civil Action File No.: 2:16-cv-143

v.

GEORGIA DEPARTMENT OF CORRECTIONS,
BOARD OF REGENTS OF THE
UNIVERSITY SYSTEM OF
GEORGIA for GEORGIA
CORRECTIONAL
HEALTHCARE, a division of
AUGUSTA UNIVERSITY,
COMMISSIONER BRIAN
OWENS, in his individual capacity
as the former Commissioner of the
Georgia Department of
Corrections,
DR. BILLY NICHOLS, in his
individual capacity as Medical
Director of Georgia Correctional
Healthcare,
DR. EDWARD BAILEY, in his
individual capacity as the former
Director of Georgia Correctional
Healthcare,
DR. SHARON LEWIS, in her
individual capacity as the Medical
Director for the Georgia
Department of Corrections,
KATHY SEABOLT, in her
individual capacity as the former

Warden of Arrendale State Prison,
ANGELA GRANT, in her
individual capacity as the Warden
of Pulaski State Prison,

DR YVON NAZAIRE, in his
individual capacity as the former
Medical Director at Pulaski State
Prison,

BETTY RODGERS, in her
individual capacity as the Health
Services Administrator at Pulaski
State Prison,

DANNY FINN, in his individual
capacity as the Director of Human
Resources for Georgia
Correctional Healthcare,

ALABA ADESHIGBIN, in her
individual capacity as a Nurse at
Arrendale State Prison,

DANIEL WEISE, in his individual
capacity as a Nurse at Arrendale
State Prison,

ELIZABETH GEE, in her
individual capacity as a
Correctional Officer at Arrendale
State Prison,

HANNAH FULLER, in her
individual capacity as a Nurse at
Arrendale State Prison,

NURSE PAGE, in her individual
capacity as a Nurse at Arrendale
State Prison,

AMBER STONE, in her individual
capacity as a Counselor at
Arrendale State Prison,

KARLA SUE KIEFER, in her
individual capacity as a Nurse at
Arrendale State Prison,

KRISTI ADDISON, in her
individual capacity as a Nurse at

Arrendale State Prison,
YHANA WHITWORTH, in her
individual capacity as a Nurse at
Arrendale State Prison,
RHONDA STOVALL, in her
individual capacity as a Nurse at
Arrendale State Prison,
PATRICK ARNOLD, in his
individual capacity as a
Correctional Officer at Arrendale
State Prison,
CEELSEA GOSS, in her
individual capacity as a
Correctional Officer at Arrendale
State Prison,
JUSTIN GRIZZLE, in his
individual capacity as a
Correctional Officer at Arrendale
State Prison,
WAYMAN JACKSON, in his
individual capacity as a
Correctional Officer at Arrendale
State Prison,
STEVEN LEWICKI, in his
individual capacity as a
Correctional Officer at Arrendale
State Prison,
ROBERT PRATHER, in his
individual capacity as a
Correctional Officer at Arrendale
State Prison,
MICHAEL ROBINSON, in his
individual capacity as a
Correctional Officer at Arrendale
State Prison,
CRYSTAL TYLER, in her
individual capacity as a
Correctional Officer at Arrendale
State Prison,

Defendants.

NOTICE OF REMOVAL

To The Honorable Judges of the United States District Court of the Northern District of Georgia, Gainesville Division.

Pursuant to 28 U.S.C. §§ 1332; 1441(a) and 1442(a) Defendant Amber Stone (hereinafter “Petitioner”) by and through the undersigned counsel, hereby gives notice that she is removing the above styled action *Angela and James Fischer, Individually and as the Guardians of Mollianne Fischer, an Adult Ward, v. Georgia Department of Corrections, et al.* Civil Action No. 2016CV0263CC, currently pending in the Superior Court of Habersham County, Georgia to United States District Court for the Northern District of Georgia, Gainesville Division. In support, Petitioner shows as follows:

1.

On May 19, 2016, Plaintiff filed a civil action in the Superior Court of Habersham County, which is located within the Gainesville Division of the United States District Court for the Northern District of Georgia. (See Exhibit A – Complaint)

2.

On May 25, 2016 the Complaint was served on Petitioner at Arrendale State Prison. (See Exhibit B – Sherriff’s Entry of Service)

3.

The subject Complaint asserts Plaintiffs’ Ward sustained damages and that her civil rights were violated by defendants and further that her medical care and treatment was negligent and actionable under the Georgia Tort Claims Act.

4.

This Notice of Removal is filed within thirty (30) days from the date of service of the lawsuit upon all Defendants.

5.

In accordance with 28 U.S.C. §1446(a) and applicable Local Rules, copies of all process, pleadings and orders served upon Petitioner are attached as exhibits to this notice. (See Exhibits “A” , “B” and “C”)

6.

The aforementioned civil action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. §1441 and is one which may be removed to this Court by Petitioner pursuant to the provisions of 28 U.S.C. §1442(a) because the Complaint contains allegations of violations of Federal Civil Rights and seeks relief under 42 U.S.C. §1983.

7.

Defendant has given written notice of the filing of this Notice to the Plaintiffs by Service on counsel. Petitioner has filed a written notice with the Clerk of State Court of Fulton County, a copy of which is attached. (See Exhibit “C”)

WHEREFORE, Defendant Stone prays that the case now pending in the Superior Court of Habersham County be removed to the United States District Court for the Northern District of Georgia, Gainesville Division and to effect and prepare this Court the true record of all proceeding that may have been had in the Superior Court of Habersham County, Georgia.

This 23rd day of June, 2016.

Respectfully submitted,

/s/ David Johnson

DAVID JOHNSON

Georgia Bar No. 393310

Attorney for Defendant, Amber Stone

INSLEY & RACE, LLC
The Mayfair Royal
181 14th Street, NE, Suite 200
Atlanta, Georgia 30309
(404) 876-9818
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the within and foregoing NOTICE OF REMOVAL upon all parties to this matter electronically via USDC ECF (efile) and by depositing a true copy of same in the United States Mail, in a properly addressed envelope with adequate postage thereon to the counsel of record as follows:

Attorneys for Plaintiff

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This 23rd day of June, 2016.

Respectfully submitted,

/s/ David Johnson

DAVID JOHNSON

Georgia Bar No. 393310

Attorney for Defendant, Amber Stone

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), the undersigned counsel hereby certifies that the foregoing pleading was prepared in Times New Roman 14-point font, in compliance with Local Rule 5.1(C).

This 23rd day of June, 2016.

Respectfully submitted,

/s/ David Johnson

DAVID JOHNSON

Georgia Bar No. 393310

Attorney for Defendant, Amber Stone

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